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EXTRAORDINARY

PART II—Section 2

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**AJMER STATE GOVERNMENT**

**Law and Judicial Department**

*Ajmer, the 24th December, 1952*

**No. 35/25/52-Law.**—The following Bill is published under Rule 90 of the Rules of Procedure relating to the Ajmer Legislative Assembly for general information:—

2. It has received the recommendation of the Chief Commissioner under sub-sections (1) and (3) of section 24 of the Government of Part C States Act, 1951.

**BILL No. 9 of 1952.**

A bill to establish and develop local self-government in the rural areas of the State of Ajmer.

BE it enacted by the Legislative Assembly of the State of Ajmer as follows:—

**CHAPTER I**

**PRELIMINARY**

**1. Short title, extent and commencement.**—(1) This Act may be called the Ajmer State Gram Panchayat Raj Act, 1953.

(2) The State Government may by notification extend all or any of the provisions of this Act to the whole or to any part of the State of Ajmer except (i) the areas which have been or may be declared as or included in, a Municipality, under the provisions of the Ajmere-Merwara Municipalities Regulation, 1925 (VI of 1925), or a cantonment under the provisions of the Cantonments Act, 1924 (II of 1924), or (ii) any other area which the State Government may by notification specify.

(3) Sections 1 and 2 shall come into force at once and the remaining provisions of this Act shall come into force on such date as the State Government may by notification appoint.

**2. Interpretation—clause.**—(1) In this Act, unless there is anything repugnant in the subject or context,—

- (a) “adult” means a person who is not less than twenty-one years of age;
- (b) “building” includes a hut, shed, house, shop ware-house or work shop;
- (c) “case” means a criminal proceeding in respect of an offence triable by a Nyaya Panchayat;
- (d) “circle” means the area within which a Nyaya Panchayat exercises jurisdiction under section 50;
- (e) “Gram Panchayat” means the Executive Committee of a Gram Sabha, established under section 11;
- (f) “Gram Sabha” means a Gram Sabha established under section 3;
- (g) “Joint Committee” means a committee formed under section 17;
- (h) “notification” means a notification published in the Official Gazette;
- (i) “Nyaya Panchayat” means a Nyaya Panchayat constituted under section 51 for the purpose of the trial of suits and cases;
- (j) “Panch” means a member of a Nyaya Panchayat appointed under section 51 other than a Sarpanch;
- (k) “population” means the population of a village or area as determined in the manner prescribed in this behalf;
- (l) “prescribed” means prescribed by rules made under this Act;
- (m) “Prescribed authority” means an authority notified as such by the State Government either generally or for particular purposes;
- (n) “public servant” means a public servant as defined in section 21 of the Indian Penal Code (XLV of 1860);
- (o) “public street” means any road, street, bridge, lane, square, court-yard, alley, or passage which the public has a right to pass along, and includes on either side the drains or gutters and land up to the defined boundary of any abutting property, notwithstanding any projection over such land of any verandah or other superstructure;
- (p) “Sarpanch” means a sarpanch appointed under section 52;
- (q) “Scheduled Caste” or “Scheduled Tribe” means any of the castes specified in Schedule I, to or any of the tribes specified in Schedule II to, the Government of Part C States Act, 1951 (XLIX of 1951), so far as it relates to State of Ajmer;
- (r) “State Government” means the Chief Commissioner of the State of Ajmer;
- (s) “Sub-divisional Magistrate”, with reference to a Gram Sabha means a Sub-divisional Magistrate of the Sub-division in which such Gram Sabha is constituted and includes a

first-class Magistrate specially empowered by order in writing by the State Government in this behalf;

- (t) "Sub-Judge", with reference to a Gram Panchayat, means the Sub-Judge having local jurisdiction in the area in which such Gram Panchayat is constituted;
- (u) "suit" means a civil suit triable by a Nyaya Panchayat;
- (v) "village" means any local area, recorded as a village in the revenue records of the State of Ajmer or any other local area which the State Government may by general or special order declare to be a village.

(2) The General Clauses Act, 1897 (X of 1897), applies for the interpretation of this Act as it applies for the interpretation of a Central Act.

## CHAPTER II

### ESTABLISHMENT AND CONSTITUTION OF GRAM SABHAS

**3. Establishment and constitution of Gram Sabhas and their jurisdiction.**—(1) The State Government may, by notification, establish a Gram Sabha for every village or group of villages.

(2) The State Government shall declare the name and the territorial jurisdiction of the Gram Sabha in the notification mentioned in sub-section (1) and may at any time, by notification, either on its own motion or of a Gram Sabha or of the residents of any village, include any area in, or exclude any area from, the area of a Gram Sabha.

(3) Where by a notification under sub-section (2) any area is included in the jurisdiction of a Gram Sabha, such area shall thereby become subject to all notifications, rules, regulations, bye-laws and orders made under this or any other enactment in force in the area within the jurisdiction of the aforesaid Gram Sabha.

**4. Gram Sabha to be body corporate.**—Every Gram Sabha shall, by name, notified in the Official Gazette under sub-section (2) of section 3, be a body corporate, having perpetual succession and a common seal and shall, subject to any restriction or condition imposed by or under this or any other Act, have power to acquire, by purchase, gift or otherwise, to hold, administer and transfer property, both movable and immovable, and to enter into any contract and shall by the said name sue or be sued.

**5. Membership of Gram Sabha.**—A Gram Sabha shall consist of all adults residing within the area for which the Sabha is established, but no such adult shall be entitled to be or to remain a member of a Gram Sabha, if he—

- (a) is of unsound mind; or
- (b) is suffering from leprosy; or
- (c) is an undischarged insolvent; or
- (d) is a servant of the State Government, or a local authority or is an Honorary Magistrate having jurisdiction over any area of the Gram Sabha or a part thereof; or

(e) is convicted of an election offence; or

(f) has been convicted of an offence involving moral turpitude or ordered to give security for good behaviour under section 110 of the Code of Criminal Procedure, 1898 (V of 1898):

Provided that the disqualification under clause (c) or (e) or (f) may be removed by an order of the State Government or the Prescribed Authority.

*Explanation.*—A Lambardar, Patel or Chowkidar of a village shall be deemed to be a servant of the State Government for the purposes of this section.

**6. Period of membership.**—A member of a Gram Sabha shall continue to be its member until his death or until he incurs any disqualification specified in section 5 or until the area in which he resides is excluded from the jurisdiction of the Gram Sabha under section 8, or until the abandonment of his permanent residence in the village:

Provided that a person described in section 5 who has ceased to be a member by reason of a disqualification mentioned therein or abandonment of a permanent residence in the village shall, on the removal of the disqualification or the resumption of his permanent residence in the village, as the case may be, and on an application made by him to the President of the Gram Sabha in this behalf, after such inquiry as may be prescribed, be re-enrolled as a member thereof.

**7. Disqualification, omission or defect in enrolment not to vitiate act or proceedings.**—No disqualification, defect or omission in the enrolment of a member shall vitiate any act or proceeding of a Gram Sabha if not less than two-thirds of the members at the time the act is done, or the proceeding taken, were duly qualified members thereof.

**8. Effect of change in population or inclusion of the area of Gram Sabha in municipalities, etc.**—If the whole of the area of a Gram Sabha is included in a municipality or cantonment, the Gram Sabha shall cease and its assets and liabilities shall be disposed of in the manner prescribed. If a part of such area is so included, the jurisdiction of the Gram Sabha shall be reduced by that part.

**9. Register of members.**—On the establishment of a Gram Sabha, the Prescribed Authority shall cause to be prepared a register, in the prescribed form, of all adult persons residing within the jurisdiction of such Gram Sabha and such register shall, among other things, contain the name of every person entitled under section 5 to be a member of the Gram Sabha on the date of its establishment. The register so prepared shall be revised at least once a year in the manner prescribed.

**10. Removal of difficulty in the establishment of Gram Sabha and in the working of a Gram Panchayat.**—If, in establishing a Gram Sabha or in the working of a Gram Panchayat, any dispute or difficulty arises regarding the interpretation of any provision of this Act or any rule made thereunder or any matter arising out of or relating to such interpretation or any matter not provided in this Act, the same shall be referred to the State Government whose decision thereon shall be final and conclusive.

## CHAPTER III

## THE GRAM SABHA—ITS MEETINGS AND FUNCTIONS

**11. Establishment and Constitution of Gram Panchayat.**—(1) As soon as may be after its establishment, every Gram Sabha shall elect from among its members—

(i) a President and a Vice-President who shall be called Pradhan and Up-Pradhan respectively; and

(ii) an Executive Committee called the Gram Panchayat.

(2) The number of elected members of a Gram Panchayat shall be between 15 and 30 as may be specified by the State Government in the manner prescribed, in addition to the President and Vice-President of the Gram Sabha who shall also be the President and Vice-President of the Gram Panchayat respectively.

(3) The State Government may also, if it deems necessary, nominate suitable persons belonging to a constituent village of a Gram Sabha to be members of a Gram Panchayat subject to a maximum of one-third of the total number of elected members of such Panchayat.

(4) The term of office of a President or Vice-President and a member of a Gram Panchayat other than a member chosen to fill a casual vacancy shall be three years.

**12. Power to nominate.**—If for any reason the election does not result in the return of the required number of qualified persons willing to take office, the Prescribed Authority shall nominate the required number of willing persons, who would otherwise have been qualified to be elected and such nominated persons shall be deemed to have been elected as members under sub-section (2) of section 11.

**13. Constituencies.**—The area of a Gram Sabha may be divided by the Prescribed Authority into such number of constituencies as may be convenient for the purpose of election.

**14. Adult suffrage.**—The election of the members of a Gram Panchayat in a Gram Sabha or in a constituency thereof shall be held on the basis of adult suffrage.

**15. Reservation for Scheduled Castes and Tribes.**—Where there are any Scheduled Castes and Scheduled Tribes in the area of a Gram Sabha, such number of seats shall be assigned to them for the first election as may be in proportion to their population in the area of such Gram Sabha.

**16. Meetings of the Gram Sabha.**—(1) Every Gram Sabha shall hold two general meetings in each year, one soon after harvesting of the Karthik crop (hereinafter called the Karthik meeting) and the other soon after harvesting of the Baisakh crop (hereinafter called the Baisakh meeting):

Provided that the President may at any time or upon a requisition in writing of not less than one-fifth of the members shall, within 15 days from the receipt of such requisition, call an extraordinary general meeting.

The time and place of all the meetings of the Gram Sabha shall be published in the prescribed manner.

(2) For any meeting of the Gram Sabha one-fifth of the total number of members of the Gram Sabha shall form the quorum provided that no quorum shall be necessary for a meeting adjourned for want of quorum.

**17. Joint Committee.**—(1) Subject to such rules as may be prescribed, two or more Gram Sabhas may combine by means of a written instrument to appoint a joint committee consisting of their representatives for the purpose of transacting any business in which they are jointly interested and may—

(a) delegate to such committee power, with such conditions as they may think proper to impose, to frame any scheme binding on each such Gram Sabha as to the construction and maintenance of any joint work and as to the power which may be exercised by any such Committee in relation to such scheme; and

(b) frame or modify rules regarding the continuation of such committee and the term of office of members thereof and the method of conducting proceedings and correspondence.

(2) If any difference of opinion arises between the Gram Sabhas acting under this section, it shall be referred to the Prescribed Authority for decision

(3) Any Gram Sabha aggrieved by a decision of the Prescribed Authority may, within such time as may be prescribed, appeal to the State Government.

(4) The State Government may *suo motu* revise any decision under sub-section (2) or (3).

**18. Removal of President or Vice President of Gram Panchayat and filling of vacancies so caused.**—The Gram Sabha may at any ordinary meeting remove the President or the Vice-President by a majority of two-thirds votes of those present. In such an event and otherwise, when any vacancy occurs, the Gram Sabha shall forthwith elect another President or the Vice-President in the prescribed manner.

**19. Consideration and discussion of Gram Sabha budget.**—The Gram Sabha shall at each Karthik meeting consider and discuss the budget of the Gram Sabha submitted by the Gram Panchayat for the following year and at its Baisakh meeting shall consider the accounts of the preceding year. At both the meetings the Gram Sabha shall consider biennial report of the business submitted by the President.

#### CHAPTER IV

##### ADMINISTRATION OF GRAM PANCHAYAT—ITS POWERS, DUTIES AND FUNCTIONS

**20. Meetings and their procedure.**—(a) A meeting of a Gram Panchayat shall be held at least once a month.

(b) The President or Vice-President may, on his own initiative and shall on the requisition of at least one-third of the members of

a Gram Panchayat, call an emergent meeting of the Gram Panchayat in the manner prescribed.

(c) The time and place of the sitting and the procedure at a meeting of the Gram Panchayat shall be in accordance with the rules made under this section.

**21. Resolutions and questions.**—A member of a Gram Panchayat may, at any meeting, move any resolution and put questions to the President or Vice-President on matters connected with the administration of the Gram Panchayat in the manner prescribed.

**22. Powers of President, and Vice-President.**—The President and Vice-President shall exercise such executive powers for the purpose of carrying out the provisions of this Act as may be prescribed.

**23. Duties and functions.**—It shall be the duty of every Gram Panchayat, so far as its funds may allow to make reasonable provision within its jurisdiction, in the manner prescribed, for—

- (a) the construction, repair, maintenance, cleaning and lighting of public streets;
- (b) medical relief;
- (c) sanitation and taking curative and preventive measures to remove and to stop the spread of an epidemic;
- (d) the upkeep, protection and supervision of any buildings or other property which may belong to the Gram Sabha or which may be transferred to it for management;
- (e) registering births, deaths and marriages, and maintaining the register mentioned in section 9;
- (f) the removal of encroachments on public streets, public places and property vested in the Gram Sabha;
- (g) regulating places for the disposal of the dead bodies of human beings and animals and of other offensive matter;
- (h) the regulation of melas, markets and fairs within its area, except those managed by the State Government;
- (i) the establishment, management and care of common grazing grounds and land for the common benefit of the persons residing within its jurisdiction;
- (j) the construction, repair and maintenance of public wells, tanks and ponds for the supply of water for drinking, washing and bathing purposes, and the regulation of sources of water-supply for drinking purposes;
- (k) regulating the construction of a new building or the extension or alteration of any existing building;
- (l) assisting the development of agriculture, commerce and industry;
- (m) rendering assistance in extinguishing fire and protecting life and property when fire occurs;

- (n) the maintenance of such records relating to cattle census, population census and other statistics as may be prescribed,
- (o) maternity and child welfare,
- (p) allotment of places for storing manure,
- (q) the promotion of co-operative farming,
- (r) the relief of the destitute and the sick,
- (s) the construction and maintenance of public latrines;
- (t) the doing of any other thing the expenditure on which is declared by the State Government to be an appropriate charge on the fund of the Gram Sabha,
- (u) any other measure of public utility calculated to promote the moral and material well-being or convenience of the villagers which may be specified by order in writing by the State Government in this behalf;

Provided that nothing in this section shall be deemed to impose any duty or confer any power on a Gram Sabha with respect to any matter under the direct administrative control of any department of the State Government, unless the State Government delegates such duty or power.

**24. Discretionary duties and functions**—A Gram Panchayat may also make provision in the prescribed manner within its jurisdiction for—

- (a) *planting and maintaining trees at the sides of public streets and in other public places,*
- (b) *the improved breeding and medical treatment of cattle and prevention of disease in them,*
- (c) *filling in of insanitary depressions and levelling of land;*
- (d) *organizing, subject to rules prescribed, a Village Volunteer Force for watch and ward, for assisting Gram Panchayat and Nyaya Panchayat in the discharge of their functions and for the service of summons and notices issued by them,*
- (e) *assisting and advising agriculturists in the obtaining of Government loans and in the repayment thereof, in the liquidation of old debt and generally, in the establishment of sound credit system according to law,*
- (f) *the development of co-operation and establishment of improved seed and implement stores,*
- (g) *relief against famine or other calamity,*
- (h) *extension of the abadi,*
- (i) *establishment and maintenance of an akhara or club or other place for recreation and games;*



- (j) establishment and maintenance of a library or reading room;
- (k) regulating the collection, removal and disposal of manure and sweepings;
- (l) prohibiting or regulating the curing, tanning and dyeing of skins within 220 yards of the abadi;
- (m) setting up organisations to promote goodwill and social harmony between different communities;
- (n) public radio sets and gramophones.

**25. Power of Gram Panchayat as to public streets, water ways and other matters.**—A Gram Panchayat shall have control of all public streets, or waterways situated within its jurisdiction, not being a private street or waterways and not being under the control of the State Government or any other authority specified by the State Government and may do all things necessary for the maintenance and repair thereof and may—

- (a) construct new bridges or culverts;
- (b) divert, discontinue, or close any public street, culvert or bridge;
- (c) widen, open, enlarge or otherwise improve any public street, culvert or bridge with minimum damage to the neighbouring fields;
- (d) deepen or otherwise improve waterways;
- (e) with the sanction of the Prescribed Authority, undertake small irrigation projects;
- (f) cut any hedge or branch of any tree projecting on a public street;
- (g) notify the setting apart of any public watercourse or tank or well for drinking or culinary purposes, and prohibit the bathing or washing of clothes and animals or the doing of other acts likely to pollute the course, tank or well so set apart:

Provided that without the prior permission of the authority specified in this behalf by order in writing of the State Government nothing shall be done under clause (g) which may affect any canal or canal system.

**26. Imposition of compulsory service for public purposes.**—(1) Subject to rules made under this Act, a Gram Panchayat may, by order in writing, call upon persons resident in the Gram Panchayat area to perform such labour, as it may specify in the order, on works of public utility which, in the opinion of the Gram Panchayat, are likely to benefit persons and which the Gram Panchayat has undertaken to construct, maintain or repair under sections 23, 24 and 25.

(2) A person required to perform labour under the provisions of sub-section (1) may have it performed by another on his behalf or

pay for its performance at such rates as may, having regard to prevailing rates, be determined by the Gram Panchayat.

(3) Any person who without any sufficient cause, neglects or refuses to perform the labour referred to in sub-section (2) or does not get the labour performed or does not pay for the performance of the labour, as provided in sub-section (2) shall be punishable with fine which may extend to fifty rupees.

**27. Establishment of hospital or dispensary for a group of Gram Sabhas.**—Where a group of neighbouring Gram Sabhas decides to establish and maintain a Ayurvedic or Unani Hospital or dispensary, the Gram Sabhas thereof may, with the permission of the Prescribed Authority, do so with such assistance as may be provided by the State Government.

**28. Assistance to Government servants.**—The Gram Panchayat if so directed by general or special order of the State Government, shall assist any Government servant in the performance of his duties within its area.

**29. Representation by Gram Panchayat.**—The Gram Panchayat may make to the Prescribed Authority any representation concerning the welfare of the persons residing within its jurisdiction.

**30. Enquiry into the conduct of certain officials.**—(1) On a complaint made by any person against a vaccinator, patwari, police constable, forest guard or peon about his misconduct in his official capacity in the area under the control of a Gram Sabha, the Gram Panchayat concerned may enquire into the matter and report the result of its enquiry to the officer to whom such official is subordinate.

(2) The officer concerned may enquire into the report in such manner and take such action thereon as he deems fit and may inform the Gram Panchayat of the action taken.

(3) Nothing in sub-section (1) shall be construed as empowering the Gram Panchayat to summon the officials specified in the said sub-section, or to exercise control over them.

**31. Power to contract for collection of taxes and other dues for Government.**—A Gram Panchayat may, as prescribed in respect of any area within its jurisdiction, enter into a contract with the State Government to collect any taxes or dues payable to the Government, on being allowed by the State Government such collection charges as may be prescribed.

**32. Appointment and powers of sub-committees.**—A Gram Panchayat may, for the discharge of its administrative functions, appoint from amongst its members, sub-committees, each consisting of not more than 5 members.

(2) A sub-committee shall exercise such powers as may be delegated to it by the Gram Panchayat and shall be subject to the general control of the Gram Panchayat.

**33. Special powers.**—All the duties, powers and functions of the Gram Sabha except those under Chapter III of this Act shall be exercised and performed or discharged by the Gram Panchayat.

**34. Liability for causing loss.**—(1) Every member of the Gram Panchayat or any Joint Committee or any other Committee constituted under this Act shall be liable for any loss, waste or improper use of any money or property belonging to the Gram Panchayat, if such loss, waste or improper use is a direct consequence of his neglect or misconduct while a member of the Gram Panchayat, Joint Committee or other Committee and a suit for compensation may be instituted against him by the Gram Panchayat with the previous sanction of the Prescribed Authority.

(2) If the Prescribed Authority sanctions the institution of a suit under sub-section (1) or refuses to grant the sanction, the member concerned, or the Gram Panchayat, as the case may be, may, within thirty days of such sanction or refusal, appeal to the State Government against such sanction or refusal.

(3) The State Government may, on its own initiative, institute the suit mentioned in sub-section (1).

## CHAPTER V

### ACQUISITION OF LAND, GRAM FUND AND PROPERTY

**35. Power to acquire land.**—Where a Gram Sabha or a number of Gram Sabhas which have combined under the provisions of section 17 or 27 require any land to carry out any purpose of this Act, it or they shall first try to have the land by private negotiation and if the parties concerned fail to arrive at an agreement, such Gram Sabha or Gram Sabhas may make an application in the prescribed form to the Collector to acquire the land and the Collector may acquire such land for such Gram Sabha or Gram Sabhas.

*Explanation.*—The expression 'land' includes: benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth.

**36. Property vested in the Gram Sabha.**—(1) The State Government may transfer to a Gram Sabha the ownership or management or both of any of its public property other than land situated within the jurisdiction of such Gram Sabha, on such conditions as may be prescribed in this behalf.

(2) Any other property situated within the jurisdiction of the Gram Sabha, which is used by the village communities for common or public purposes, if it does not belong to any individual or the State Government, shall vest in the Gram Sabha.

**37. Disposal of claims.**—(1) Where any dispute arises as regards the ownership of any property mentioned in sub-section (2) of section 36 between a Gram Sabha and any person, the Gram Panchayat shall give such person a reasonable opportunity of being heard and then decide whether to treat the said property as the property of the Gram Sabha.

(2) Any person aggrieved by a decision of the Gram Panchayat under sub-section (1) may within such time as may be prescribed, prefer an appeal to such authority as may be prescribed.

**38. Gram Fund.**—(1) Every Gram Sabha shall have a fund which will be utilised by the Gram Panchayat for meeting charges in connection with its duties under the Act subject to the provisions of the budget passed and any sum allotted by the State Government in respect of the grant-in-aid.

(2) The following shall be credited to the Gram fund:—

- (a) The proceeds of any tax or cess imposed under this Act.
- (b) All sums ordered by a Court to be placed to the credit of the Gram fund.
- (c) The sale-proceeds of all dust, dirt, dung or refuse including the dead bodies of animals collected by the servants of the Gram Panchayat.
- (d) All sums received under section 122.
- (e) Such portion of the rent or other proceeds of Nazul property as the State Government may direct to be placed to the credit of the Gram fund.
- (f) Sums contributed to the Gram Fund by any local authority.
- (g) All sums received by way of loan or gift.
- (h) Such other sums as may be assigned to the Gram Fund by any special or general order of the State Government.
- (i) All sums received by Gram Panchayat from the State Government under sections 31 and 13 (2) or any other law.

(3) Nothing in this section shall affect any obligation of a Gram Sabha arising from a trust legally imposed upon or accepted by it.

**39. Custody of fund.**—All moneys at the credit of the Gram Fund shall be kept in the name of the Gram Panchayat in the post office savings Bank or co-operative Bank, or subject to such terms and conditions as may be prescribed, with a local banker or other person approved by the Prescribed Authority.

**40. Grant-in-aid from Gram Fund.**—No grant-in-aid shall be made out from the Gram Fund for any purpose other than those specified in sections 23, 24, 25 and 29 to any person or institution except with the previous sanction of the Prescribed Authority.

## CHAPTER VI

### TAXES, ACCOUNTS AND BUDGET

**41. Compulsory taxes.**—(1) Subject to the prescribed rules and any order made by the State Government in this behalf a Gram Sabha shall impose cesses and realise—

- (a) A tax on lands, payable by such persons at such rates and under such conditions as may be prescribed.

- (b) A tax on trades, callings and professions not exceeding such rate as may be prescribed.
- (c) A tax on buildings owned by persons who do not pay any of the aforesaid taxes, not exceeding such rate as may be prescribed.
- (d) Fees on persons exposing goods for sale in any market or place belonging to or under the control of the Gram Sabha, or for the use of any building or structure therein.
- (e) Fees on the registration of animals sold in any market or place within the jurisdiction of the Gram Sabha.

**42. Optional taxes.**—(1) With the approval of the Prescribed Authority and subject to rules made under this Act, a Gram Sabha may by a majority of two-thirds of its members impose any of the following taxes, tolls, fees or rates:—

- (a) A toll on vehicles, pack animals, and porters bringing goods for sale within the area of the Gram Sabha.
- (b) A water rate where water is supplied by the Gram Sabha.
- (c) Fees for cleansing private latrines payable by the owners or occupiers of the houses to which the private latrines are attached, where such cleansing is done by the Gram Sabha agency.
- (d) A tax payable by the owners of animals kept within the Gram Sabha area.
- (e) A fee payable by the owners of vehicles where such vehicles are kept within the Gram Sabha Area.
- (f) A lighting rate where the lighting of public streets, places and buildings is undertaken by the Gram Sabha.
- (g) A drainage fee where a system of drainage has been introduced by the Gram Sabha.
- (h) Any other tax, fee or rate approved by the State Government.

*Explanation.*—The tolls imposed under clause (a) may vary according to the class of goods brought for sale.

(2) No objection shall be taken to any assessment, nor shall the liability of any person to be assessed or taxed be questioned otherwise than in accordance with the provisions of this Act or the rules made thereunder.

(3) Any tax, fee or rate imposed or levied under the provisions of this section shall be payable in such manner as may be prescribed.

**43. Commutation by labour.**—The Gram Panchayat may, with the consent of the person from whom any tax, toll, fee or rate under sections 41 and 42 is leviable, commute the payment into a contribution of labour not exceeding 30 days labour in a year at such intervals, for such period of time and on such conditions, as may be prescribed.

**44. Power to exempt persons from payment, etc.**—Subject to the rules made under this Act, a Gram Panchayat may exempt any person or class of persons from a tax, toll, fee or rate payable under this Act.

**45. Recovery of arrears.**—Any arrears of a cess, tax, toll, fee or rate payable under this Act shall be recoverable by the Collector as if they were arrears of land revenue.

**46. Cancellation or suspension of taxation.**—Any cess, tax, toll, fee or rate imposed under sections 41 and 42 may at any time be cancelled or thereafter re-imposed by the State Government and the State Government may at any time suspend or thereafter re-impose the collection thereof:

Provided that no arrears shall be recovered while the collection is suspended.

**47. Realisation of dues and accounts.**—The Gram Panchayat shall, arrange for the realisation of the taxes and dues, the custody of its funds and the maintenance of its accounts, in such manner as may be prescribed.

**48. Audit.**—The accounts of every Gram Sabha shall be audited every year in such manner as may be prescribed.

**49. Preparation of budget.**—(1) (a) Every Gram Panchayat shall prepare a budget estimate of its income and expenditure for the year commencing on the 1st day of April and lay it before the Karthik meeting of the Gram Sabha to be held before such date, for such discussion and suggestion as the Gram Sabha may deem necessary.

(b) Every Gram Panchayat shall prepare and lay before the Baisakh Meeting of the Gram Sabha its report including the account of its actual receipts and expenditure, for the year ending on 31st day of March preceding such meeting.

(2) The Gram Sabha may discuss the budget presented by the Gram Panchayat and shall refer back to the Gram Panchayat with recommendations, if any, in the manner prescribed, within a fortnight of its receipt; and the Gram Sabha may likewise pass any recommendatory resolution in respect of the report or any other matter.

(3) (a) On the return of the budget from the Gram Sabha under sub-section (2), the President shall, within a week of its receipt, call an extraordinary meeting of the Gram Panchayat to reconsider the budget in the light of the recommendations, if any, made by the Gram Sabha and the Gram Panchayat shall finalise and pass the budget with or without any modification.

(b) Subject to such rules as may be made in this behalf, the budget shall take effect after it has been approved by the Prescribed Authority.

(c) A Gram Panchayat may incur any expenditure under any head of the budget after it has taken effect in excess of the amount provided for under that head, provided that the excess expenditure to be incurred is met from out of the total amount of the budget and the previous approval of the Prescribed Authority to the proposal is also obtained.

## CHAPTER VII

### NYAYA PANCHAYAT

**50. Circle for Nyaya Panchayat.**—The Prescribed Authority shall divide the State into circles, each circle comprising as many areas subject to the jurisdiction of Gram Sabhas as may be expedient, and establish a Nyaya Panchayat for each such circle:

Provided that the areas of Gram Sabhas within each circle shall, as far as possible, be contiguous.

**51. Constitution of Nyaya Panchayat.**—There shall be selected and appointed by the Collector, on the recommendation of the District Judge, 5 Panches of prescribed qualifications from the Gram Panchayat of every Gram Sabha in a circle to act as Panches in the Nyaya Panchayat of that circle. The Panches so appointed from amongst all the Gram Sabhas in a circle shall form a panel.

**52. Appointment of Sarpanch.**—The Collector on the recommendation of the District Judge shall appoint a person from amongst the Panches appointed under section 51, who is able to record proceedings, to be the Sarpanch of the Nyaya Panchayat.

**53. Term of office of Sarpanch or Panch.**—The term of office of the Sarpanch or Panch of a Nyaya Panchayat shall be co-extensive with the term of his office as member of the Gram Panchayat.

**54. Oath of office.**—Every Panch or Sarpanch appointed under section 51 or 52 shall, as soon as possible after his appointment, take oath of office in the manner prescribed.

**55. Resignation.**—A Panch or Sarpanch may submit the resignation of his office to the Prescribed Authority.

**56. Formation of Bench.**—(1) The Sarpanch shall, for the trial of every case, suit or proceeding form a bench of five Panches from the Panel:

Provided that at least one of the Panches in the bench shall be a person who is able to record evidence and proceedings.

(2) Every such bench shall include one Panch who resides in the area of the Gram Sabha in which the plaintiff of a suit or the complainant of a case resides and likewise one Panch residing in the area of the Gram Sabha in which the defendant or the accused resides, and three Panches residing in the area of the Gram Sabha in which neither party resides.

(3) No Panch or Sarpanch shall take part in any case or suit to which he or any of his near relations, employers, employees or partners in business, is a party, or in which any of them may be personally interested.

(4) Notwithstanding anything contained in this section, the State Government may by rules prescribe the constitution of special benches for determining any dispute arising between any parties or Gram Sabhas of different circles or for any other purpose.

**57. Filling of casual vacancies.**—If there is a vacancy of a Panch in the Panel by reason of his death, removal or resignation, it shall be filled for the unexpired portion of his term in the manner provided in section 51 and if the Panch vacating the office was a Sarpanch he shall be appointed in the manner provided in section 52.

**58. Territorial jurisdiction.**—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (V of 1898), every case instituted under this Act shall be instituted before the Sarpanch of the Nyaya Panchayat of the Circle in which the offence is committed.

(2) Notwithstanding anything contained in the Code of Civil Procedure, 1908 (V of 1908), every suit instituted before the Sarpanch of the Nyaya Panchayat of the circle in which the defendant or any of the defendants, where they are more than one, ordinarily resides or carries on business at the time of the institution of the suit irrespective of the place where the cause of action arose.

**59. Extent of criminal jurisdiction.**—(1) Offences specified in Schedule I to this Act, if committed within the jurisdiction of a Nyaya Panchayat, as well as abetments of, and attempts to commit, such offences, shall be cognizable by such Nyaya Panchayat:

Provided that no Nyaya Panchayat shall take cognizance of any case in which the Police have taken cognizance and have sent the accused to a Magistrate under sub-section (1) of section 170 of the Code of Criminal Procedure 1898 (V of 1898).

(2) No Nyaya Panchayat shall take cognizance of any offence except upon complaint written or oral and against the person named by the complainant.

(3) The State Government may, on the recommendation of the District Magistrate or otherwise, for reasons to be recorded in writing, withdraw from a Nyaya Panchayat the power to take cognizance of all or any of the offences specified in Schedule I.

(4) The State Government may, on the recommendation of the District Magistrate or otherwise, by notification, empower a Nyaya Panchayat to take cognizance of offences, other than those specified in Schedule I, under the Indian Penal Code (XLV of 1860), subject to such restrictions and conditions as may be specified in the notification.

**60. Security for keeping the peace.**—(1) Whenever the Sarpanch of a Nyaya Panchayat has reason to apprehend that any person is likely to commit a breach of peace or disturb public tranquility, he may call upon such person to show cause why he should not execute a bond for an amount not exceeding Rs. 100, with or without sureties, for keeping the peace for a period not exceeding 15 days.

(2) The Sarpanch shall, after issue of such notice, constitute within three days a Bench to deal with the matter, provided that at



least one Panch of the Bench shall, if possible, belong to the Gram Sabha in which such person resides.

The Bench may either confirm the order or discharge the notice, after hearing such person and such witnesses as he may desire to produce.

(3) In case the Bench has confirmed the order under sub-section (2) the person called upon to execute the bond shall do so with or without sureties, within 3 days of such order; and if he fails to comply with the order, the amount of security shall become realizable as a fine imposed under this Act.

**61. Nyaya Panchayat not to inflict sentence of imprisonment.**—No Nyaya Panchayat shall inflict a substantive sentence of imprisonment.

**62. Exclusion of jurisdiction of other courts.**—No court shall take cognizance of any case or suit which is cognizable under this Act by a Nyaya Panchayat unless an order has been passed by a Sub-divisional Magistrate or a Sub-Judge under section 96.

**63. Transfer of criminal proceedings to Nyaya Panchayat in certain cases.**—At any stage of the proceedings in a criminal case pending before a Magistrate, if it appears to him that the case is triable by a Nyaya Panchayat, he shall at once transfer the case to the Nyaya Panchayat which shall try the case *de novo*.

**64. Summary dismissal of complaint.**—A Nyaya Panchayat may dismiss any complaint if, after examining the complainant and taking such evidence as he produces, it is satisfied that the complaint is frivolous, vexatious or untrue.

**65. Return of complaint.**—If at any time it appears to a Nyaya Panchayat—

- (a) that it has no jurisdiction to try any case before it, or
- (b) that the offence is one for which it cannot award adequate punishment, or
- (c) that the case is of such nature or complexity that it should be tried by a regular court, it shall return the complaint to the complainant directing him to file it before the Sub-divisional Magistrate, having jurisdiction to try such case.

**66. Certain persons not to be tried by Nyaya Panchayats.**—No Nyaya Panchayat shall take cognizance of any offence in which the accused—

- (a) has been previously convicted of an offence punishable with imprisonment for a term of three years or more; or
- (b) has been previously fined for theft by any Nyaya Panchayat; or
- (c) is registered as a habitual offender under the Madras Habitual Offenders Act, 1948 (Madras Act of 1948), as applied to the State of Ajmer;

- (d) has been bound over to be of good behaviour under section 109 or 110 of the Code of Criminal Procedure, 1898 (V of 1898); or
- (e) has been previously convicted for gambling; or
- (f) is a Panch of a Nyaya Panchayat; or
- (g) is a public servant as defined in Section 21 of the Indian Penal Code (XLV of 1860) other than a village watchman.

**67. Compensation to complainants.**—In imposing any fine the Nyaya Panchayat may order the whole or any portion of the fine recovered from the accused to be paid to the complainant—

- (a) in defraying the expenses properly incurred in the case by the complainant, or
- (b) as compensation for any material damage or loss caused by the offence committed.

**68. Compensation to the accused.**—If a Nyaya Panchayat is satisfied after enquiry that a case brought before it was false, frivolous or vexatious, it may order the complainant to pay the accused such compensation not exceeding five rupees as it thinks fit.

**69. Enquiry in cases forwarded by Magistrates.**—A Magistrate may direct an enquiry to be made under section 202 of the Code of Criminal Procedure, 1898 (V of 1898), by a Nyaya Panchayat, in any case, in which the offence is committed within the territorial jurisdiction of such Nyaya Panchayat, and the Nyaya Panchayat shall enquire into the case and submit its report to the said Magistrate.

**70. Extent of civil jurisdiction.**—The jurisdiction of a Nyaya Panchayat shall extend to any suit of the following description if its value does not exceed one hundred rupees—

- (1) (a) a suit for money due on contract other than a contract in respect of immovable property;
- (b) a suit for the recovery of movable property or for the value thereof;
- (c) a suit for compensation for wrongfully taking or injuring movable property; and
- (d) a suit for damage caused by cattle trespass.
- (2) The State Government may, by notification, direct that the jurisdiction of any Nyaya Panchayat shall extend to all or any of such suits not exceeding five hundred rupees in value as may be specified in the notification.

**71. Extension of jurisdiction by agreement of parties.**—Parties to a suit may, by a written agreement, refer any suit of the nature mentioned in section 70, to a Nyaya Panchayat for decision irrespective of the value of the suit and the Nyaya Panchayat shall, subject to such rules as may be prescribed, determine and dispose of such suit under this Act.

**72. Special jurisdiction in matters compromised etc.**—Notwithstanding anything contained in this Act or in any other law for the time being in force, it shall be lawful for a Nyaya Panchayat to decide any civil dispute arising in its local area and not pending in any court in accordance with any settlement, compromise or on oath agreed upon by the parties and likewise decide a case if compoundable.

**73. Exclusion of suits from jurisdiction of Nyaya Panchayat.**—A Nyaya Panchayat shall have no jurisdiction to take cognizance of the following suits:—

- (1) a suit for a balance of partnership account, unless the balance has been struck by the parties or their agents;
- (2) a suit for a share of a part thereof under an intestacy or for a legacy on a part thereof under a will;
- (3) a suit by or against the Government or a public servant for acts done in his official capacity;
- (4) a suit by or against a minor or a person of unsound mind;
- (5) a suit cognizable by a revenue court under the Ajmer State Land Revenue Act.

**74. Suit to include the whole claim.**—(1) Every suit instituted before a Nyaya Panchayat shall include the whole of the claim which the plaintiff is entitled to make in respect of the matter in dispute, but he may relinquish any portion of his claim in order to bring the suit within the jurisdiction of the Nyaya Panchayat.

(2) If a plaintiff omits to sue in respect of or relinquishes any portion of it, he shall not afterwards sue in respect of the portions so omitted or relinquished.

**75. Limitation.**—Every suit instituted before a Nyaya Panchayat after the period of limitation prescribed therefor in Schedule II to this Act shall be dismissed even though limitation has not been set up as a defence.

**76. Effect of decision of Nyaya Panchayat.**—The decision of a Nyaya Panchayat on the question of title, legal character, contract or obligation shall not bind the parties except in respect of the suit in which such matter is decided.

**77. Provisions relating to *res judicata* and cases pending in other courts.**—(1) No Nyaya Panchayat shall try any suit or issue in respect of any matter which is pending for decision in or has been heard or decided by a court of competent jurisdiction, in a former suit between the same parties under whom they or any of them claim.

(2) Where a case is pending in any court against an accused person in respect of any offence or where an accused person has been tried for any offence, no Nyaya Panchayat shall take cognizance of any such offence or on the same facts of any other offence of which the accused might have been charged or convicted.

**78. Concurrent jurisdiction.**—Where a case or suit is maintainable in more than one Nyaya Panchayat, the plaintiff or the applicant or the complainant, as the case may be, may bring the case or suit in any one of such Nyaya Panchayats. Any dispute regarding jurisdiction shall be decided by the Sub-Divisional Magistrate or the Sub-Judge having jurisdiction, as the case may be.

**79. Institution of suits and cases.**—Any person who wishes to institute a suit or case under this Act before a Nyaya Panchayat may make an application orally or in writing to the Sarpanch of the Nyaya Panchayat or in the case of his absence from the circle, to such other Panch as may have been appointed in this behalf and shall at the same time pay the prescribed fee. The Court-fees Act, 1870 (VII of 1870), shall not apply to a Nyaya Panchayat, except as may be prescribed. In every suit, the plaintiff shall state its value.

**80. Substance of the application to be recorded in register.**—(1) Where a suit or case is instituted orally, the Sarpanch or Panch receiving the application shall record, without delay, the prescribed particulars and the signature or thumb impression of the applicant shall be taken, thereon.

(2) The Sarpanch or in his absence the Panch mentioned in section 79 shall thereupon appoint a Bench of the Nyaya Panchayat under section 56 and refer the said application to that bench for disposal and shall also fix a date for the first hearing of the application before the said bench and give notice of the said date to the applicant and to the members thereof.

**81. Conduct of proceedings for disposal of suits and cases.**—Every suit or case instituted in accordance with the provisions of section 80 shall be brought before the bench of the Nyaya Panchayat on the date fixed and the bench shall unless the Sarpanch is a member of it, choose one of its members to be the Chairman of that bench who shall conduct the proceedings.

**82. Provisions relating to evidence.**—A Nyaya Panchayat shall receive such evidence in a suit or case as the parties may adduce and may call for such further evidence as, in its opinion, may be necessary for the determination of the points at issue. It shall be the duty of a Nyaya Panchayat to ascertain the facts of every suit or case before it by every lawful means in its power and thereafter to make such decree or order, with or without costs, as it may deem just and legal. It may make local investigation in the village to which the dispute relates. It shall follow the procedure prescribed by or under this Act. The Code of Civil Procedure, 1908 (V of 1908), the Code of Criminal Procedure, 1898 (V of 1898), the Indian Evidence Act, 1872 (I of 1872), and the Indian Limitation Act, 1908 (IX of 1908), shall not apply to any suit or case in a Nyaya Panchayat, except as provided in this Act or as may be prescribed.

**83. Ex Parte proceedings.**—(1) If the plaintiff, the complainant, or the applicant fails to appear after having been informed of the time and place fixed for hearing, the Nyaya Panchayat may dismiss the suit or case or pass such order as it may deem fit.

(2) The Nyaya Panchayat may hear and decide the suit or proceeding in the absence of the defendant or opposite party if the summons

has been served upon him or if he has been informed of the time and place fixed for hearing.

**84. Issue of summons and production of documents.**—A Nyaya Panchayat may, if it considers the evidence of, or the production of, a document by any person necessary in a suit or case, issue and cause to be served in the prescribed manner, a summons on such person to compel his attendance or to produce or cause the production of such document, and such person shall be bound to comply with the direction contained in the summons.

**85. Summons to be in a prescribed form.**—After an application is made under section 79, a Nyaya Panchayat shall, unless it has been dismissed or otherwise disposed of under the provisions of this Act, cause summons in the prescribed form to be served in the prescribed manner on the defendant or the accused person or an opposite party requiring him to attend and produce his evidence at such time and place as may be stated in the summons and shall at the same time direct the plaintiff or complainant or the applicant to attend and produce his evidence at such time and place.

**86. Penalty for failing to appear before Nyaya Panchayat.**—If any person who is summoned by a Nyaya Panchayat by a written order to appear to give evidence or to produce any document before it wilfully disobeys such summons or notice or order, the Nyaya Panchayat may make a complaint to the Magistrate having jurisdiction and the said person shall be punishable with fine which may extend to twenty-five rupees;

Provided that woman shall not be compelled to appear in person before the Nyaya Panchayat, but may be examined on commission in the manner prescribed;

Provided further that if a document is produced in obedience to a summons issued under this section, the Nyaya Panchayat shall cause the document to be copied mark the copy after comparing with the original to be true copy, and return the original document to the person who produced it.

**87. Dismissal of suit, etc.**—A Nyaya Panchayat may dismiss any suit after examining the plaintiff or the applicant if it is satisfied that the suit or proceeding is frivolous, vexatious or false.

**88. Payment or adjustment of decree to be recorded.**—If on the application of the decree-holder or the judgment-debtor the Nyaya Panchayat—which passed the decree, finds, after enquiry, that the decree has been satisfied wholly or in part, the Nyaya Panchayat shall record the fact in the prescribed register.

**89. Execution of decree.**—(1) A decree or order passed by a Nyaya Panchayat shall be executed by it in such manner as may be prescribed. If the defendant's property is situated outside the jurisdiction of the Nyaya Panchayat passing such decree or order, it may transfer the decree or order for execution in the prescribed manner to the Nyaya Panchayat within whose jurisdiction the property may be situated, and, if there be no such Nyaya Panchayat, then to the Court of the Sub-Judge within whose jurisdiction it may be situated.

(2) If a Nyaya Panchayat finds any difficulty in executing a decree, it may forward the decree to the Sub-Judge, and the Sub-Judge shall then execute the decree as if it were a decree passed by him.

**90. Non-appearance of accused.**—(1) If after the service of the summons provided for in section 84 the accused fails to attend and the majority of the Nyaya Panchayat trying the case is of opinion that he is evading attendance, the Nyaya Panchayat may apply to the Sub-Divisional Magistrate who may compel his appearance before the Nyaya Panchayat as if the Sub-Divisional Magistrate were a Magistrate trying the case and the Nyaya Panchayat were his court

(2) When any accused person has been under sub-section (1) compelled to appear before a Nyaya Panchayat, it shall forthwith take his statement, and thereafter his attendance shall not be deemed to be compulsory.

**91. Recovery of fine.**—The fine imposed in a case by a Nyaya Panchayat shall be recoverable in the manner provided in section 386 of the Code of Criminal Procedure, 1898 (V of 1898), but if the Nyaya Panchayat finds any difficulty in its recovery, it may request the Sub-Divisional Magistrate within whose jurisdiction the Nyaya Panchayat lies to recover it and he shall recover it as if it had been imposed by him

**92. Nyaya Panchayat not to revise or alter its decision.**—(1) Except as provided in sub-section (2) or to correct a clerical error, a Nyaya Panchayat shall have no power to cancel, revise or alter any decree, order or judgment passed by it.

(2) A Nyaya Panchayat may, for sufficient reasons to be recorded in writing, on application made within one month of the date of the decree or order or knowledge thereof, in case personal service of summons has not been effected, set aside an *ex-parte* order and hear the suit or proceeding which had been decided *ex-parte*.

**93. No legal Practitioner to appear.**—No legal practitioner shall appear, plead or act, on behalf of any party in any suit, case proceeding or appeal before a Nyaya Panchayat.

**94. Appearance in person or by representative.**—Subject to the provisions of section 98, any party to a suit or case may appear before a Nyaya Panchayat either in person or by such servant (not being a tout or petition writer, partner, relation or friend) authorised by him as the Nyaya Panchayat may admit as a fit person to represent him

**95. Majority to prevail**—In the event of any disagreement between the Panches the opinion of the majority shall prevail in the manner prescribed

**96 Revisional powers of Sub-Divisional Magistrate and Sub-Judge over Nyaya Panchayat.**—(1) If there is a miscarriage of justice or if there is an apprehension of miscarriage of justice in any case or suit, the Sub-Divisional Magistrate having jurisdiction in respect of any case and the Sub-Judge having jurisdiction in respect of any suit may, on the application of any party or on his own motion, at any time in a pending case or suit, as the case may be, and within sixty days from the date of a decree or order, call for the record of

the case or suit, as the case may be, from the Nyaya Panchayat, and may for reasons to be recorded in writing—

(a) cancel the jurisdiction of the Nyaya Panchayat, to any suit, or case or

(b) quash any decree or order passed by the Nyaya Panchayat at any stage.

(2) When an order has been passed by the Sub-Divisional Magistrate under sub-section (1) in respect of any case, trial or complaint or otherwise in respect of the same offence, it may be started in the Court of the Magistrate having jurisdiction to try the case.

(3) When an order has been passed by a Sub-Judge under sub-section (1) in respect of any suit, the plaintiff may institute a suit on the same cause of action and for the same relief in the competent Court and the period from the date of the institution of the suit before the Nyaya Panchayat to the date of such order shall be excluded in computing the period of limitation for the fresh suit.

(4) Except as aforesaid, a decree or order passed by a Nyaya Panchayat in any suit, case or proceeding under this Act shall be final and shall not be open to revision or appeal in any Court.

(5) If any application under sub-section (1) is frivolous, the applicant may be fined upto Rs. 5 by the Sub-Divisional Magistrate or Sub-Judge, as the case may be.

## CHAPTER VIII

### EXTERNAL CONTROL AND APPEALS

**97. Inspection.**—The State Government may—

(a) cause to be inspected any immovable property owned by a Gram Sabha used or occupied by a Gram Panchayat or a Joint Committee, or any work in progress under the direction of such Gram Panchayat or Joint Committee;

(b) by an order in writing call for and inspect a book or document in the possession or under the control of a Gram Panchayat or a Joint Committee.

(c) by an order in writing require a Gram Panchayat or Joint Committee to furnish such statement, report or copies of documents, relating to the proceedings or duties of the Gram Panchayat or such committee as it thinks fit;

(d) record in writing for the consideration of a Gram Panchayat or Joint Committee any observation which it thinks proper in regard to the proceedings or duties of such Gram Panchayat or Joint Committee.

**98. Power of enquiry.**—The State Government may institute any enquiry in respect of any matter relating to a Gram Sabha, Gram Panchayat or Nyaya Panchayat.

**99. Dissolution.**—The State Government may dissolve a Gram Panchayat, Joint Committee or Nyaya Panchayat if in its opinion

such Gram Panchayat, Joint Committee or Nyaya Panchayat has exceeded or abused or continuously failed to perform the duties imposed by this Act or any rule made thereunder.

When a Gram Panchayat, Joint Committee or Nyaya Panchayat is dissolved, it shall be reconstituted in the manner prescribed in this Act or in the rules made thereunder.

**100. Removal of member of Gram Panchayat, Joint Committee or Nyaya Panchayat.**—(1) A member of a Gram Panchayat or Joint Committee or a Panch or Sarpanch may be removed at any time by the Prescribed Authority in the manner and for the reasons prescribed.

(2) A person removed under sub-section (1) shall not be entitled to re-election or nomination for a period of three years.

**101. Prohibition of certain proceedings.**—(1) The Prescribed Authority or any other officer specially empowered in this behalf by the State Government on information received or on his own initiative may, by order in writing, prohibit the execution or further execution of a resolution or order passed or made under this or any other enactment by a Gram Sabha, Gram Panchayat or Joint Committee, or any officer or servant thereof, if in its or his opinion such resolution or order is of a nature as to cause or likely to cause obstruction, annoyance or injury to the public or to any class or body of persons lawfully employed, or danger to human life, health or safety or riot or affray. Such authority or Officer may also prohibit the doing or continuance by any person of any act in pursuance of or under cover of such resolution or order.

(2) Where an order is made under sub-section (1), a copy thereof with a statement of the reasons for making it shall forthwith be forwarded by the Prescribed Authority or the aforesaid officer to the State Government which may, after calling for an explanation from the Gram Sabha, Gram Panchayat, Joint Committee or the officer or servant thereof and considering the explanation, if any made by it, or him, rescind, modify or confirm the order.

(3) Where the execution or further execution of a resolution or order is prohibited by an order made under sub-section (1) and continuing in force, it shall be the duty of the Gram Sabha, Gram Panchayat or the Joint Committee or any officer or servant thereof, if so required by the authority making such order, to take any action which it would have been entitled to take, if the resolution or order had never been made or passed and which is necessary for preventing any person from doing or continuing to do anything under cover of the resolution or order of which the execution or further execution is prohibited.

**102. Delegation of powers by State Government.**—The State Government may by notification delegate all or any of its powers under this Act to any officer or authority subordinate to it subject to such conditions and restrictions as it may deem fit to impose.

**103. Appeals.**—(1) Any person aggrieved by an order or direction made by a Gram Panchayat under this Act or under any rule or bye-



law made thereunder may, unless otherwise prescribed, within 30 days from the date of such order or direction exclusive of the time requisite for obtaining copy thereof, appeal to the Prescribed Authority which may vary, set aside or confirm the said order or direction and may also award costs to or against the person filing the appeal.

(2) The Prescribed Authority may, if it thinks fit, extend the period allowed by sub-section (1) for appeal.

(3) The decision of the Prescribed Authority under sub-section (1) shall be final and shall not be questioned in any court of law.

**104. Suspension of prosecution in certain cases.**—When an appeal has been filed against an order or direction in section 103, any proceedings to enforce such order or direction and any prosecution for the breach thereof may, by order of the Prescribed Authority, be suspended pending decision on the appeal and, if such order or direction is set aside on appeal, disobedience thereof shall not be deemed to be an offence.

## CHAPTER IX

### PENALTIES

**105. Penalties for offences under Schedule I.**—The following are the maximum fines which may be inflicted by a Nyaya Panchayat in respect of offences specified in Schedule I:—

(a) in respect of an offence under the Indian Penal Code (XLV of 1860), not exceeding fifty rupees;

(b) in respect of offences under other Acts, not exceeding fifty rupees subject to the maximum permissible under such Acts:

Provided that no imprisonment shall be awarded in default of payment of fine:

Provided further that subject to as aforesaid the State Government may, by notification, increase the limit of fifty rupees to one hundred rupees in respect of Nyaya Panchayats generally or of any Nyaya Panchayat.

**106. Penalty for contravention of the provisions of the Act.**—Whoever contravenes any provision of this Act shall be punishable unless otherwise prescribed, with fine which may extend to ten rupees, and when the contravention is a continuing one, with a further fine which may extend to one rupee for every day after date of the first conviction during which an offender is proved to have persisted in the offence.

**107. Penalty for contravention of rules and bye-laws.**—In making a rule the State Government may, and in making a bye-law the Gram Panchayat may with the sanction of the Prescribed Authority direct that a contravention of it shall be punishable with fine which may extend to ten rupees, and when the contravention is a continuing one, with a further fine which may extend to one rupee for every day after the date of the first conviction during which the offender is proved to have persisted in the offence.

**108. Penalty for tampering with Gram Sabha property.—**(1)

Whoever removes, displaces or makes an alteration in or otherwise interferes with any pavement, gutter or other material of a public street or any fence, wall or posts thereof or a lamp post or bracket, direction post, standpost, hydrant or other such property of the Gram Sabha without the written sanction of the Gram Panchayat or other lawful authority shall be punishable with fine which may extend to ten rupees.

(2) If through any act, neglect or default on his part, a person has incurred a penalty imposed by sub-section (1) and has caused any damage to the property of a Gram Sabha the said person shall be liable to make good such damage as well as to pay such penalty, and the damage may be recovered from the offender in the prescribed manner.

**109. Penalty for non-payment of taxes.**—Any person evading the payment of any tax, toll, fee or rate shall be punishable with fine which may extend to ten rupees.

**110. Penalty for obstruction.**—Whoever voluntarily obstructs a Gram Panchayat or any member, officer or servant thereof or any person authorised by the Gram Panchayat in the exercise of any power under this Act shall be punishable with fine which may extend to fifty rupees.

**111. Disobedience to notice issued.**—If a notice has been given to a person under the provisions of this Act or of any rule or bye-law made thereunder requiring him to execute a work in respect of any property, movable or immovable, public or private or to provide or do or refrain from doing anything within a time specified in the notice and such person fails to comply with the notice, then:—

(a) the Gram Panchayat may cause such work to be executed or such thing to be provided or done, and may recover all expenses incurred by it on such account from the said person in the prescribed manner;

(b) such person shall also be liable on conviction before a Magistrate to a fine which may extend to ten rupees, and in the case of a continuing contravention, to a further fine which may extend to one rupee for every day after the date of the first conviction during which the offender is proved to have persisted in the offence.

**112. Penalty for juvenile offender.**—(1) A Nyaya Panchayat may, instead of sentencing to fine a juvenile offender, that is to say, an offender who was on the date of commission of the offence not over 15 years of age:—

(a) discharge him after due admonition, or

(b) require his father or guardian to execute within such time as the Nyaya Panchayat may fix, a bond, with or without sureties, for an amount not exceeding fifty rupees, binding himself to prevent such juvenile offender from committing any of the offences referred to in Schedule I for any period not exceeding twelve months.

(2) The amount of such bond, if forfeited, shall be recoverable by the Nyaya Panchayat as if it were a fine imposed under this Act.

**113. Penalty for first offender.**—(1) When a Nyaya Panchayat convicts a person, other than a juvenile offender referred to in section 112 against whom no previous conviction is proved, it may, if it considers his release on probation of good conduct expedient, require him to execute within such time as it may fix a bond for a sum not exceeding fifty rupees, with or without sureties, binding himself not to commit any offence referred to in Schedule I for a period not exceeding twelve months.

(2) The amount of such bond, if forfeited shall be recoverable by the Nyaya Panchayat as if it were a fine imposed under this Act.

## CHAPTER X

### RULES AND BYE-LAWS

**114. Power of State Government to make rules.**—(1) The State Government may, subject to the condition of previous publication, by notification, make rules consistent with this Act to carry out its purposes.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for:—

- (i) any matter for which power to make provision is conferred expressly or by implication on the State Government by this Act;
- (ii) the establishment of Gram Sabha, Gram Panchayat and Nyaya Panchayat;
- (iii) the time and place of the meetings of Gram Sabha, Gram Panchayat and Nyaya Panchayat, and the manner of convening meetings and giving notice thereof;
- (iv) the conduct of proceedings including the asking of questions by members at meetings and the adjournment of meetings and the maintenance of minute-books of meetings;
- (v) the establishment of committees and the determination of all matters relating to the constitution and procedure of such committees;
- (vi) the suspension and removal of office-bearers;
- (vii) the records and registers that shall be maintained by Gram Panchayats and Nyaya Panchayats and the form in which they are to be maintained;
- (viii) the action to be taken on the occurrence of a vacancy in the Gram Panchayat, Joint Committee, any other committee and Nyaya Panchayat;
- (ix) the authority by which disputes in relation to appointments to Gram Panchayat, Joint Committee, any other committee or Nyaya Panchayat may be decided and the procedure to be followed therein;

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- (x) the amount and nature of security to be furnished by a servant of the Gram Panchayat from whom it is deemed expedient to require security;
  - (xi) the appointment, qualifications, conditions of service, discharge, removal, dismissal and any other mode of punishment of the servants of Gram Panchayats and their right of appeal;
  - (xii) the rules and regulations of gratuity for the servants of Gram Panchayats;
  - (xiii) the establishment, administration and control of libraries, reading rooms, dispensaries entrusted to a Joint Committee, the construction and repairs of buildings connected therewith and the supply of medicines and medical assistance to the poor inhabitants of the local area of a Gram Sabha;
  - (xiv) the discovery, removal and destruction of water hyacinth on any land, premises or water, the construction of fences and barriers for checking its movements and the cost incurred in carrying out such work;
  - (xv) action in regard to sanitation, conservancy, drainage, buildings, public streets and water supply and the prohibition of public nuisances;
  - (xvi) the framing of budgets and ear-marking funds for specific purposes;
  - (xvii) the returns to be submitted by Gram Panchayats and Nyaya Panchayats, the form in which they are to be submitted, and the authorities to which, and the time within which they are to be submitted;
  - (xviii) the levy of taxes and license fees, the authority by which, and the manner in which, the taxes may be assessed and the authority to which an appeal from an assessment order may be made;
  - (xix) the method and time of payment of taxes and other dues, the procedure of recovery and the authority whose assistance may be taken by Gram Panchayats in the recovery of taxes and dues;
  - (xx) the method of keeping accounts by Gram Panchayats;
  - (xxi) the maintenance of public buildings and nazul land, as defined in rule 1(a) of the Rules relating to nazul properties;
  - (xxii) the formalities to be observed when transferring any property and the manner in which a deed of contract may be executed by a Gram Panchayat;
  - (xxiii) the powers of auditors, and inspecting and superintending authorities to hold, inquiries, summoning and examining witnesses, compelling the production of documents and all other matters connected with audit inspection and superintendence;

- (xxiv) the issue and service of summonses, notices and other processes of Nyaya Panchayats and the issue and service of notices by Gram Panchayats;
- (xxv) the transfer by a Nyaya Panchayat of summonses and other processes to any other Nyaya Panchayat or any Court for service;
- (xxvi) the fees to be levied by Nyaya Panchayats for the institution of suits and cases, the issue of processes, and the obtaining of copies of documents or records;
- (xxvii) the court-fees and other fees payable where a Nyaya Panchayat with the consent of parties entertains a suit which is otherwise beyond its jurisdiction;
- (xxviii) the procedure for the execution of decrees, orders and sentences passed by Nyaya Panchayats;
- (xxix) the allotment by Gram Panchayats of funds for the performance by Nyaya Panchayats of their duties, under this Act and the extent to which fees may be appropriated by Gram Panchayats;
- (xxx) the powers that may be exercised by any Prescribed Authority in the discharge of its obligations under this Act and the manner in which such powers may be exercised;
- (xxxi) the procedure to be observed in the making of bye-laws by the Prescribed Authority for Gram Panchayats or by Gram Panchayats;
- (xxxii) the printing of the prescribed forms and registers;
- (xxxiii) the submission for approval of plans, designs, specifications and estimates;
- (xxxiv) the duties, powers and functions of the Village Volunteer Force;
- (xxxv) the submission of annual reports by Gram Panchayats and their review;
- (xxxvi) the persons, other than members of Gram Panchayats, who may be present in an advisory capacity at the meetings of Gram Panchayats;
- (xxxvii) the channel of correspondence between a Gram Panchayat and other authorities;
- (xxxviii) the disposal of assets and liabilities of a Gram Panchayat on its abolition;
- (xxxix) the action to be taken on the inclusion of the whole or part of the local area of any Gram Panchayat in any municipality or cantonment, and the manner in which the assets and liabilities of the Gram Panchayat may be disposed of in such circumstances;

- (xl) the conditions subject to which the whole or any part of the sum due to Gram Panchayats may be written off as irrecoverable and the whole or any part of a fee may be remitted and generally the guidance of Gram Panchayats, Nyaya Panchayats, Joint Committees, other committees, servants of the State Government and other authorities, in matters connected with the carrying out of the provisions of this Act;
- (xli) the regulation of the election of the members of the Gram Panchayat in order to secure the adequate representation of the Scheduled Castes and Scheduled Tribes.

**115. Powers of Prescribed Authority to frame bye-laws.**—The Prescribed Authority may, and when required by the Government shall, make bye-laws for a Gram Panchayat consistent with this Act and the rules made thereunder for the purpose of promoting or maintaining the health, safety and convenience of persons residing within the jurisdiction of a Gram Panchayat, and for the furtherance of administration of Gram Panchayats under this Act.

**116. Power of Gram Panchayats to frame bye-laws.**—(1) Subject to the provisions of this Act and the rules made thereunder and the bye-laws, if any, made by the Prescribed Authority, a Gram Panchayat may frame bye-laws:—

- (a) to prohibit the removal or use of water for drinking purposes from any source which is likely to cause danger to health and to prohibit the doing of anything likely to contaminate any source of drinking water;
- (b) to prohibit or regulate the discharge of water from any drain or premises on a public street or into a river, pond, tank, well or any other place;
- (c) to prevent damage to public streets and to the property of Gram Panchayats;
- (d) to regulate sanitation, conservancy and drainage in the area of Gram Panchayats;
- (e) to prohibit or regulate the use of public places by shopkeepers or other individuals or the collection of market tolls on public streets;
- (f) to regulate the manner in which tanks, ponds and cesspools, pasture lands, playgrounds, manure pits, lands for the disposal of dead bodies, and bathing places shall be maintained and used.

(2) The draft of the bye-laws framed by Gram Panchayats shall be published in the prescribed manner. Any objections received thereto shall be considered at a meeting of the Gram Panchayat and the bye-laws as approved by the Gram Panchayat shall thereafter be submitted for the sanction of the Prescribed Authority. The bye-laws as sanctioned by the Prescribed Authority shall come into force after they have been published in the prescribed manner.

## CHAPTER XI

## MISCELLANEOUS AND REPEAL

**117. Members and servants of Nyaya Panchayats, Gram Panchayats, etc., to be public servants.**—Every member or servant of a Nyaya Panchayat, a Gram Panchayat, a Joint Committee or any other Committee constituted under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (XLV of 1860).

**118. Gratuity for servants.**—The Gram Panchayat may, in accordance with the rules made under this Act, grant a gratuity to any servant subject to the previous sanction of the Prescribed Authority.

**119. Services to be honorary.**—(1) No member shall receive any remuneration or allowances for his services on the Gram Panchayat.

(2) No Panch of a Nyaya Panchayat shall receive any remuneration for his service on the Nyaya Panchayat but may receive such allowances as may be prescribed.

**120. Members and panches not to bid at sales.**—A member of a Gram Panchayat or a Panch of a Nyaya Panchayat or any other officer having any duty to perform in connection with any sale under this Act, shall not either directly or indirectly, bid for or acquire any interest in any property sold at such sale.

**121. Notice not to be invalid.**—No notice shall be invalid on account of any defect or omission in its form.

**122. Power to compound offences.**—(1) Subject to any rules made in this behalf, a Gram Panchayat, may, either before or after the institution of any case, compound an offence against this Act or any rule or bye-law made thereunder, on payment of such sum in cash to the Gram Panchayat as may be prescribed.

(2) When an offence has been compounded, the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence so compounded. All sums paid by way of composition under this section shall be credited to the Gram Sabha Fund.

**123. Entry and inspection.**—The President or Vice-President of a Gram Panchayat and, if authorised in this behalf by a Gram Panchayat, any other member, officer or servant of such Panchayat, may enter into or upon any building or land, with or without assistants or workmen, in order to make an inspection or survey or to execute a work which a Gram Panchayat is authorised by this Act or by rules or bye-laws made thereunder, to make or execute, or which it is necessary for a Gram Panchayat for any of the purposes, or in pursuance of any of the provisions, of this Act, or of the rules or bye-laws, to make or execute:

Provided that:—

- (a) except as expressly provided in this Act or in the rules or bye-laws made thereunder no such entry shall be made between sunset and sunrise;

- (b) except as expressly provided in this Act or in the rules or bye-laws made thereunder no building which is used as a human dwelling shall be so entered except with the consent of the occupier thereof or without giving the said occupier not less than four hours' previous written notice of the intention to make such entry;
- (c) sufficient notice shall in every instance be given when any premises can otherwise be entered without notice to enable the inmates of an apartment appropriated for females to remove themselves to some part of the premises where their privacy cannot be disturbed, and
- (d) due regard shall always be had to the social and religious usages of the occupants of the premises entered.

**124. Suits against Gram Sabhas, Gram Panchayats etc.**—(1) No suit or other legal proceeding shall be instituted against a Gram Sabha or a Gram Panchayat or against a member, officer or servant of the Gram Panchayat or against any person acting under its or his direction for anything done or purporting to have been done in his official capacity under this Act, until the expiration of two months next after notice in writing has been, in the case of a Gram Panchayat delivered in or left at the office of the Panchayat, and in the case of a member, officer or servant or any person acting under his direction or the direction of the Gram Panchayat delivered to him or left at his office or place of abode, explicitly stating the cause of action, the nature of the reliefs sought, the amount of compensation, if any, claimed, and the name and place of abode of the intending plaintiff and the plaint shall contain a statement that such notice has been so delivered or left.

(2) Every action as described in sub-section (1) shall be commenced within six months from the date on which the cause of action accrues.

**125. Protection to Gram Panchayats, Nyaya Panchayats, etc.**—(1) The provisions of the Judicial Officers' Protection Act, 1850 (XVIII of 1850), shall apply to the members of Nyaya Panchayats.

(2) No suit or prosecution shall be entertained in any Court against a Gram Panchayat or any member or officer thereof or any person acting under its or his direction in respect of any thing in good faith done or intended to be done under this Act or any rule or bye-laws made thereunder.

**126. Power and duties of Police in respect of offences and assistance to Panchayats.**—Every Police Officer shall give immediate information to the Gram Panchayat of an offence coming to his knowledge which has been committed against this Act or any rule or bye-laws made thereunder and shall assist all members, officers and servants of the Gram Panchayat and Nyaya Panchayat in the exercise of their lawful authority.

**127. Disputes with Gram Panchayat.**—If any dispute arises in regard to any matter to which the provisions of this Act or of any other law apply, between two or more Gram Panchayats or between a Gram Panchayat and a Municipal Committee, it shall be referred



to the Prescribed Authority whose decisions shall be final and shall not be questioned in any court of law.

**128. Staff.**—(1) Subject to the approval of the Prescribed Authority and to such conditions as may be laid down by that Authority, a Gram Panchayat or Nyaya Panchayat may appoint such officers and servants and on such salaries and allowances as it thinks fit.

(2) Notwithstanding anything in sub-section (1) a Gram Panchayat may, in case of emergency, appoint an officer or servant without the sanction of the Prescribed Authority for a period or periods not exceeding 3 months in the aggregate; but every such appointment shall forthwith be reported to that Authority.

(3) The powers of appointing, promoting, discharging and punishing of an officer or servant of a Gram Panchayat or a Nyaya Panchayat shall vest in the Panchayat or Nyaya Panchayat, as the case may be; but the powers of promotion or punishment, may be delegated to such officer of the Panchayat or Nyaya Panchayat as may be prescribed provided that an appeal from the order of such officer shall lie to the Gram Panchayat or Nyaya Panchayat, in the manner prescribed.

**129. Secretary of Gram Panchayat and Nyaya Panchayat.**—(1) Subject to such directions as the State Government may give, a secretary shall be appointed by the Prescribed Authority for every Gram Panchayat or a group of Gram Panchayats or for every Nyaya Panchayat. The Secretary appointed for a Gram Panchayat or a group of Gram Panchayats shall also be ex-officio Secretary of the Gram Sabha or Gram Sabhas concerned.

(2) The Secretary shall, in the matter of leave, promotion, transfer, removal, dismissal or other disciplinary action, be under the administrative control of the Prescribed Authority which shall exercise its powers and functions in the manner prescribed:

Provided that an order of the Prescribed Authority removing or dismissing a Secretary shall be appealable within a period and in the manner to be prescribed, to the District Magistrate or if any other authority is prescribed in this behalf to such other authority:

Provided that in the case of a Secretary holding his substantive job in any other department of all cases of the nature mentioned in sub-section (2) shall be referred by the Prescribed Authority to the head of the department concerned.

**130. Power to borrow.**—With the sanction of the Prescribed Authority and subject to such conditions as may be prescribed, a Gram Sabha may borrow money from the State Government or any other source or with its sanction from to carry out all or any of the purposes of this Act.

**131. Expenses of Nyaya Panchayat.**—(1) The expenses of the Nyaya Panchayat shall be charged to the Gram Fund of each of the units in a circle in equal proportions.

(2) All sums realized by way of court-fees in cases, suits or proceeding or by way of fines in cases tried and disposed of by a Nyaya Panchayat shall be handed over by the State Government to the

Gram Sabhas situated within the jurisdiction of the Nyaya Panchayat in equal proportions.

**132. Act to over-ride Regulation VI of 1886 in case of repugnance.**—If any provision contained in the Ajmer Rural Boards Regulation, 1886 (Regulation VI of 1886), is repugnant to any provision contained in this Act, the latter provision shall prevail and the former provision shall, to the extent of the repugnancy, be void.

**133. Power to remove difficulties.**—If any difficulty arises in giving effect to the provisions of this Act, the State Government as occasion may arise, may, by order, do any thing which appears to it to be necessary for the purpose of removing the difficulty.

#### SCHEDULE I.

(See Section 59)

	Section
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(b) Under the Cattle-trespass Act, 1871 (I of 1871) offences under sections 20 to 24 both inclusive.	
(c) Under the U. P. Removal of Social Disabilities Act, 1947 (UP ACT XIV of 1947), as extended to the State of Ajmer vide Government of India Notification No. 72/10/47-Pub. (A), dated the 17th January 1948.	
(d) Under the Vaccination Act, 1880 (XIII of 1890). Any offence.	
(e) Any other offence under any other enactment declared to be cognizable by a Nyaya Panchayat, by the State Government by notification.	
(f) Under the Prevention of Cruelty to Animals Act, 1890 (XI of 1890).	

## SCHEDULE II

(See Section 75)

Description of suits	Period of limitation	Time from which period begins to run
I	2	3
1. For money due on a contract . . . . .	3 years . . . . .	When the money became due to the plaintiff.
2. For the recovery of movable property or the value thereof.	3 years . . . . .	When the plaintiff became entitled to the delivery of the movable property.
3. For compensation for wrongfully taking or injuring movable property.	3 years . . . . .	When the movable property was wrongfully taken or when injury was done to it.
4. For damage caused by cattle trespass.	3 years . . . . .	When the damage was caused by the cattle trespass.

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**STATEMENT OF OBJECTS AND REASONS**

Article 40 of the Constitution of India requires the State to take steps to organise village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government. To implement the provisions of this Article enactments have been passed in various other States. The panchayat system by which the people themselves manage the affairs of their village is an ancient Indian institution through which the people themselves felt that they had a hand in the government of their village. Due to historical causes the institution gradually became defunct in the country and it has therefore become necessary to revive it.

The Bill seeks to revive the growth of the institution in the State of Ajmer and thus establish and develop self-government in the rural areas of the State. It is intended to foster village corporate life and to make the people self-reliant and develop in them a spirit of common endeavour to ameliorate their conditions without being unduly dependent on Government. There will be a Gram Sabha for each village or group of villages and it will be a body of the entire adult population of the village and will have an elected executive called the "Gram Panchayat". Power has been given to the villagers i.e. to the Gram Sabha, to levy taxes and fees, to manage their funds, to prepare budgets, to maintain and establish dispensaries, to look after sanitation and in general to cater to the social requirements of the village. Provision has also been made for the creation of Nyaya Panchayats which will have powers relating to the administration of civil and criminal justice. The Bill also makes various other detailed and ancillary provisions to make the working of the Gram Sabhas, Gram Panchayats and Nyaya Panchayats as efficient and successful as may be possible.

BRIJ MOHAN LAL SHARMA,  
Minister-in-Charge.

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N. SWAMINATHAN,  
*Secretary to the Government of Ajmer,  
Law and Judicial Department.*

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**AJMER STATE GOVERNMENT****Law and Judicial Department**

*Ajmer, the 27th December 1952*

**No. 35/26/52-Law.**—The following Bill is published under Rule 90 of the Rules of Procedure relating to the Ajmer Legislative Assembly for general information:—

BILL No. 10 OF 1952

A Bill to provide for the punishment of public gambling and the keeping of common gaming-houses in the State of Ajmer.

BE it enacted by the Legislative Assembly of the State of Ajmer as follows:—

**1. Short title, extent and commencement.**—(1) This Act may be called the Ajmer Public Gambling Act, 1953.

(2) It shall extend to the whole of the State of Ajmer.

(3) It shall come into force at once.

**2. Interpretation-clause.**—(1) In this Act, unless there is anything repugnant in the subject or context, “common gaming-house” means any house, walled enclosure, room or place in which cards, dice, tables or other instruments of gaming are kept or used for the profit or gain of the person owning, occupying, using or keeping such house, enclosure, room or place, whether by way of charge for the use of instruments of gaming, or of the house, enclosure, room or place, or otherwise howsoever.

(2) The General Clauses Act, 1897 (X of 1897), applies for the interpretation of this Act as it applies for the interpretation of a Central Act.

**3. Penalty for owning or keeping, or having charge of a gaming-house.**—Whoever, being the owner or occupier, or having the use, of any house, walled enclosure, room or place in the State of Ajmer opens, keeps or uses the same as a common gaming-house; and

whoever, being the owner or occupier of any such house, walled enclosure, room or place as aforesaid, knowingly or wilfully permits the same to be opened, occupied, used or kept by any other person as a common gaming-house; and

whoever has the care or management of, or in any manner assists in conducting, the business of any house, walled enclosure, room or place as aforesaid, opened, occupied, used or kept for the purpose aforesaid; and

whoever advances or furnishes money for the purpose of gaming with persons frequenting such house, walled enclosure, room or place;

shall be liable to imprisonment for a term which may extend to six months and shall also be liable to fine which may extend to one thousand rupees.

**4. Penalty for being found in gaming-house.**—(1) Whoever is found in any such house, walled enclosure, room or place, playing or gaming with cards, dice, counters, money or other instruments of gaming, or is found there present for the purpose of gaming, whether playing for any money, wager, stake or otherwise, shall be liable to imprisonment for a term which may extend to three months, and shall also be liable to fine which may extend to five hundred rupees.

(2) Whoever is found in any common gaming-house during any gaming or playing therein shall be presumed, until the contrary is proved, to have been there for the purpose of gaming.

**5. Powers to enter and authorise police to enter and search.**—If the District Magistrate or any other officer invested with the full powers of a Magistrate of the first class, or the Superintendent of Police, upon credible information, and after such enquiry as he may think necessary, has reason to believe that any house, walled enclosure, room or place, is used as a common gaming-house,

he may either himself enter, or by his warrant authorise any officer of police, not below the rank of Sub-Inspector, to enter with such assistance as may be found necessary, by night or by day, and by force if necessary, any such house, walled enclosure, room or place,

and may either himself take into custody, or authorise such officer to take into custody, all persons whom he or such officer finds therein, whether or not then actually gaming;

and may seize or authorise such officer to seize all instruments of gaming, and all moneys and securities for money, and articles of value, reasonably suspected to have been used or intended to be used for the purpose of gaming which are found therein;

and may search or authorise such officer to search all parts of the house, walled enclosure, room or place which he or such officer shall have so entered when he or such officer has reason to believe that any instruments of gaming are concealed therein, and also the persons of those whom he or such officer so takes into custody;

and may seize or authorise such officer to seize and take possession of all instruments of gaming found upon such search.

**6. Finding cards, etc., in suspected houses, to be evidence that such houses are common gaming-houses.**—When any cards, dice gaming tables, cloths, boards or other instruments of gaming are found in any house, walled enclosure, room or place entered or searched under the provisions of the last preceding section, or about the person of any of those who are found therein, it shall be evidence, until the contrary is made to appear, that such house, walled enclosure, room or place, is used as a common gaming-house, and that the persons found therein were there present for the purpose of gaming, although no play was actually seen by the Magistrate or police officer, or any of his assistants.

**7. Penalty on persons arrested for giving false names and addresses.**—If any person found in any common gaming-house entered by any Magistrate or officer of police under the provisions of this Act, upon being arrested, by any such officer or upon being brought before any Magistrate, on being required by such officer or Magistrate to give his name and address, shall refuse or neglect to give the same, or shall give any false name or address, he may upon conviction before the same or any other Magistrate be adjudged to pay any penalty not exceeding five hundred rupees, together with such costs as to such Magistrate shall appear reasonable, and on the non-payment of such penalty and costs, or in the first instance, if to such Magistrate it shall seem fit, may be imprisoned for any term which may extend to one month.

**8. On conviction for keeping a gaming-house, instruments of gaming to be destroyed.**—On conviction of any person for keeping or using any such common gaming-house, or being present therein for the purpose of gaming, the convicting Magistrate may order all the instruments of gaming found therein to be destroyed, and may also order all or any of the securities for money and other articles seized not being instruments of gaming, to be sold and converted into money, and the proceeds thereof with all moneys seized therein to be forfeited or, in his discretion, may order any part thereof to be returned to the persons appearing to have been severally thereunto entitled.

**9. Proof of playing for stakes unnecessary.**—It shall not be necessary, in order to convict any person of keeping a common gaming-house, or of being concerned in the management of any common gaming-house, to prove that any person found playing at any game was playing for any money, wager or stake.

**10. Magistrate may require any person apprehended to be sworn and give evidence.**—It shall be lawful for the Magistrate before whom any persons shall be brought, who have been found in any house, walled enclosure, room or place entered under the provisions of this Act, to require any such persons to be examined on oath or solemn affirmation, and give evidence touching any unlawful gaming in such house, walled enclosure, room or place, or touching any act done for the purpose of preventing, obstructing or delaying the entry into such house, walled enclosure, room or place or any part thereof, of any Magistrate or officer authorised as aforesaid.

No person so required to be examined as a witness shall be excused from being so examined when brought before such magistrate as aforesaid, or from being so examined at any subsequent time by or before the same or any other Magistrate, or by or before any Court on any proceeding or trial in any ways relating to such unlawful gaming or any such acts as aforesaid, or from answering any question put to him touching the matters aforesaid, on the ground that his evidence will tend to criminate himself.

Any such person so required to be examined as a witness, who refuses to make oath or take affirmation accordingly or to answer any such question as aforesaid, shall be subject to be dealt with in all respects as any person committing the offence described in section 178 or section 179 (as the case may be) of the Indian Penal Code (XLV of 1860).

**11. Witnesses indemnified.**—Any person who shall have been concerned in gaming contrary to this Act, and who shall be examined as a witness before the Magistrate on the trial of any person for a breach of any of the provisions of this Act relating to gaming, and who, upon such examination, shall in the opinion of the Magistrate make true and faithful discovery, to the best of his knowledge, of all things as to which he shall be so examined, shall thereupon receive from the said Magistrate a certificate in writing to that effect, and shall be freed from all prosecutions under this Act for anything done before that time in respect of such gaming.

**12. Act not to apply to certain games.**—Nothing contained in the foregoing provisions of this Act shall be held to apply to any game of mere skill wherever played.

**13. Gaming and setting birds and animals to fight in public streets.**—A police officer may apprehend without warrant any person found playing for money or other valuable thing with cards, dice, counters or other instruments of gaming, used in playing any game not being a game of mere skill in any public street, place or thoroughfare situated within the limits aforesaid, or

any person setting any birds or animals to fight in any public street, place or thoroughfare situated within the limits aforesaid, or

any person there present aiding and abetting such public fighting of birds and animals.

Such person when apprehended shall be brought without delay before a Magistrate and shall be liable to imprisonment for a term which may extend to three months and shall also be liable to a fine which may extend to one thousand rupees,

and such police officer may seize all instruments of gaming found in such public place or on the person of those whom he shall so arrest, and the Magistrate may on conviction of the offender order such instruments to be forthwith destroyed.

**14. Offences by whom triable.**—Offences punishable under this Act shall be triable by any Magistrate having jurisdiction in the place where the offence is committed.

But such Magistrate shall be restrained within the limits of his jurisdiction under the Code of Criminal Procedure, 1898 (V of 1898) as to the amount of fine or imprisonment he may inflict.

**15. Penalty for subsequent offence.**—Whoever, having been convicted of an offence punishable under section 3 or section 4 of this Act, shall again be guilty of any offence punishable under either of such sections, shall be subject for every such subsequent offence to double the amount of punishment to which he would have been liable for the first commission of an offence of the same description.

**16. Portion of fine may be paid to informer.**—The Magistrate trying the case may direct any portion of any fine which shall be levied under sections 3 and 4 of this Act, or any part of the moneys or proceeds of articles seized and ordered to be forfeited under this Act, to be paid to an informer.

**17. Recovery of fines.**—All fines imposed under this Act may be recovered in the manner prescribed in the Code of Criminal Procedure, 1898 (V of 1898).

**18. Repeal of Central Act III of 1867 as in force in the State of Ajmer.**—The Public Gambling Act, 1867 (III of 1867), as in force in the State of Ajmer immediately before the commencement of this Act, is hereby repealed.



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STATEMENT OF OBJECTS AND REASONS

The Public Gambling Act, 1867 (III of 1867), as amended subsequently, has been extended to the State of Ajmer with necessary modification. Sections 3, 4 and 13 of this Act provide for a penalty of imprisonment or fine only. It is considered that the offences under these sections are serious and that a sentence of imprisonment is necessary in such cases. The Bill accordingly repeals the Act as now in force and reenacts it with the necessary modifications.

B. K. KAULA,

Minister-in-Charge.

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N. SWAMINATHAN,

*Secretary to the Government of Ajmer,  
Law and Judicial Department.*

